



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: KITAMURA=1

In re Application of:)	Cont. No.: 2531
)	
KITAMURA et al.)	Art Unit: 1651
)	
Appln. No.: 09/380,372)	Examiner: L. Landkford, Jr.
)	
Filed: September 1, 1999)	Washington, D.C.
)	
For: NOVEL CELL LINES AND)	October 24, 2002
SCREENING METHODS USING...)	
)	

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INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir :

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

☒ 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

(Check one of the boxes A-D)

☐ A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

☐ B. before the mailing date of a first office action on the merits or before the mailing of a first Office action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

(Check one of the boxes "i" and "ii" below:)

☐ i. Counsel certifies that, upon information and belief, each item of information listed herein was either

☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

(use one and delete other of following)

☐ ii. A check (check no. _____) for the fee set forth in §1.17(p), presently believed to be \$180, is enclosed. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

☐ ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(p), presently believed to be \$180. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

☒ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant(s) petitions under 37 CFR \$1.97(d) for consideration of this IDS. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in \$1.17(i), presently believed to be \$180 is enclosed. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035. Counsel certifies that, upon information and belief, each item of information listed herein was either

(Check one of the boxes "a" and "b" below)

☒ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in \$1.56(c) more than three months prior to the filing of this IDS.

☒ 2. In accordance with 37 CFR \$1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate)

☐ A. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with \$1.98(c), only a copy of each of the latter documents is enclosed.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

(insert serial numbers and filing dates of prior applications)

Applicant(s) identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

☐ 3. Document(s) _____ is (are) not in the English language. In accordance with §1.98(a)(3), Applicant(s) states:

☐ An English translation of each document _____ (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

☐ A concise explanation of the relevance of document(s) _____ is found in the attached _____ search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

☐ A concise explanation of the relevance of document(s) _____ is set forth as follows:

(insert concise explanation of relevance)

☐ A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of _____ the specification.

☐ A concise explanation of document(s) _____ can be found on the attached sheet.

[X] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

[X] 5. Other information being provided for the examiner's consideration follows:

Attached is a Supplementary Partial European Search Report

6. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

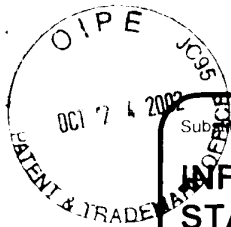
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U.S. PATENT AND TRADEMARK OFFICE



Substitute for form 1449A/PTO

Complete if Known

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Application Number	09/380,372
Filing Date	September 1, 1999
First Named Inventor	KITAMURA et al.
Group Art Unit	1651
Examiner Name	L. Lanford, Jr.
Attorney Docket Number	KITAMURA=1

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Number			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Office ³	Number	Kind Code ² (if known)				
	AA	PCT	WO 98/04682		PITTENGER et al.	02-05-1998		
	AB	PCT	WO 97/39104		BRUDER	10-23-1997		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	AC	GIMBLE et al., Bone morphogenetic proteins inhibit adipocyte differentiation by bone marrow stromal cells, Journal of Cellular Biochemistry, 58:393-402 (1995)	
	AD	JOHNSTONE et al., <i>In vitro</i> chondrogenesis of bone marrow-derived mesenchymal cells, Orthopedic Research Society, 65-11 (1996)	
	AE	PITTENGER et al., Oocytes and oogenesis, Osiris Therapeutics Inc., 1772 (1996)	
	AF	AIKAWA et al., Establishment of bone morphogenetic protein 2 responsive chondrogenic cell line, Journal Of Bone And Mineral Research, 11(4):544-553 (1996)	
	AG	PIETRANGELI et al., Stromal cell lines which support lymphocyte growth: characterization, sensitivity to radiation and responsiveness to growth factors, Eur. J. Immunol., 18:863-872 (1988)	

Examiner
SignatureDate
Considered

* EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609 Draw line through citation if not in conformance and not considered Include copy of this form with next communication to applicant

¹ Unique citation designation number ² See attached Kinds of U.S. Patent Documents ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3) ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible ⁶ Applicant is to place a check mark here if English language Translation is attached